the lumber sold for outdoor use in our schools' playgrounds and in our own private backyard decks is pressure-treated and injected with toxins to preserve the wood and prevent insect infestation. The most common wood preservative and pesticide used is chromated copper arsenate (CCA), which is 22 percent pure arsenic. The inorganic arsenic used in CCA-treated wood is a known carcinogen and has been linked to skin, bladder, liver and lung cancers. The arsenic in CCA-treated wood has been shown to leach out, ending up in the soil in our back yards and playgrounds, rubbing off onto our clothing, and wiping off onto our hands.

Today, I am re-introducing a bill to begin to remove this threat, the Arsenic-Treated Wood Prohibition Act. This bill will prohibit the use of CCA treated lumber once and for all. This legislation will protect children and families by mandating the phase out of arsenic in pressure treated lumber and will ensure that arsenic treated lumber is disposed of safely. Specifically, my bill will: phase-out the use of arsenic-treated wood in residential settings; require the disposal of arsenic-treated wood in lined landfills to prevent contamination of groundwater; require the Environmental Protection Agency (EPA) to finally complete its risk assessment regarding arsenic-treated wood; provide monetary assistance to schools and local communities to remove arsenic-treated wood from their playgrounds; and direct the Consumer Product Safety Commission (CPSC) to complete its mitigation studies to determine the effect of sealants in preventing exposure to residues of CCA on treated wood. This bill would save lives and protect our environment.

Recent actions by the CPSC and preliminary findings released by the EPA make it even more important that we in Congress pass this legislation. Despite their own findings found that of every 1 million children exposed to the treated wood three times every week for five years, two to 100 of them might develop lung or bladder cancer later in life, the CPSC recently decided to deny a petition to ban the use of arsenic-treated wood in playground equipment and to recall existing playground structures using CCA-treated wood (HP–01–3). In their statements denying the petition, the CPSC Commissioners cited that a voluntary agreement between the EPA and CCA-treated wood manufacturer's to voluntarily phase-out the production of the product. The Commissioners reasoned that rulemaking on the subject would be both unnecessary and redundant. They further cited that the CPSC did not have the authority to initiate a recall before the risk assumptions made in the Commission's staff study could be verified.

On November 13, a draft probabilistic exposure assessment released by the EPA confirmed the CPSC's earlier findings. The study concluded that the cancer risk for children who repeatedly come in contact with commonly found playground equipment and decks made of arsenic-treated wood is considerably greater than EPA officials indicated last year. The agency's preliminary findings show that 90 percent of children repeatedly exposed to arsenic-treated wood face a greater than one-in-1 million risk of cancer. The risk associated with exposure to arsenic-treated wood appears to be up to 100 times greater in the warmer climates of southern States than in the general population since children tend to spend more time playing outdoors. This risk passes the EPA's historic threshold of concern about the effects of toxic chemicals.

In light of these facts, I believe that we must take immediate action. I believe that a voluntary phase-out of this potentially harmful product is not adequate. Initiating a ban on CCA-treated wood would greatly increase public awareness of the dangers that existing arsenic-treated wood presents. By failing to ban CCA-treated wood, we are ignoring the responsibility to protect and promote the best interests of consumers. I strongly believe that a legislative mandate permanently banning its use and providing for its safe removal is critical to ensuring the safety of children and their families.

The effect of arsenic in our environment is undeniable: it kills. Arsenic-treated wood is a danger to the future health of America's families. I encourage my colleagues to join me in this very important effort to remove this threat.

TRIBUTE TO PFC DAMIEN L. HEIDELBERG

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 2003

Mr. PICKERING. Mr. Speaker, I rise this evening to pay tribute to Private First Class Damien Heidelberg who was killed in action Saturday, November 15, in Iraq. Along with seventeen other American soldiers, including another Mississippian, Specialist Jeremy DiGiovanni, Damien was killed in the collision of two Black Hawk helicopters.

Damien was a member of the First Battalion, 187th Infantry Regiment, 101st Airborne based in Fort Campbell, Kentucky. The little town of Shubuta, Mississippi was home to Damien. He was the ninth Mississippian to die in Iraq since the war began, and he served his country proudly and with honor.

PFC Heidelberg made the ultimate sacrifice defending our Nation and helped free millions of men, women, and children from the tyrannical grasp of an evil and brutal dictator. We Mississippians are so proud of the men and women we have serving in Iraq and appreciate their dedication to defending freedom and democracy.

I ask my fellow Members of the U.S. House of Representatives to remember Damien and his family during this difficult time. To his family, our prayers are with you, and we are grateful for Damien's courage and service to the United States of America.

THE LIMITS AND LIABILITY OF POWER: LESSONS OF IRAQ

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 21, 2003

Mr. LEACH. Mr. Speaker, the issue of our engagement in Iraq demands that we as a society probe the question of the limits of a superpower's power and the possible anomaly that there are severe liabilities to power, particularly for a superpower.

Does, for instance, overwhelming military might protect us from terrorism or, if used unwisely, increase our vulnerability to terrorism? Likewise, does overwhelming economic power ensure loyalty or buy friendship even from the countries most indebted to the U.S.?

In other words, can military and economic might ever become a substitute for sensible and sensitive foreign policy?

And given the dilemma of Iraq, could it indeed be that the most important ''multibillion'' problem America faces is not deficits measured in dollars, fiscal or trade, but the antagonism of billions of people around the world who object to our current foreign policy?

Here, let me say that I strongly believe in the need for clarification of thought as it applies to policy, and anyone who wishes to review the reasoning I have applied to the Iraq issue, ranging from a floor explanation of a ''no'' vote on the Congressional resolution authorizing war last year to calls for internationalizing the civil governance in Iraq last month, to a vote in favor of generosity in reconstruction efforts last week, can find the explanatory statements on my Congressional web site: www.house.gov/leach.

What I would like to do today is summarize the dilemma we face and make the following points about where we might go from here:

(1) There are no certitudes. Anyone who was not conflicted on the original decision to approve intervention or who does not see a downside to all courses of action today is not approaching the problem with an open mind. America and the world are in a strategic pickle. In an era of anger, of divisions in the world based on economics, on color of skin, on ethnicity, on religious belief, on happenstance of family and place of birth; in a world made smaller by technological revolutions in communications and transportation, those who have causes—good or bad—have possibilities of being heard and felt around the globe that never existed before. Great leaders like Gandhi and Martin Luther King appealed to the higher angels of our nature and achieved revolutionary change with non-violence. Mendacious leaders like Hitler, Saddam Hussein and Osama bin Laden have sought to impose their wills on others through appeals to hate and reliance on increasingly wanton instruments of oppression.

As the world's only superpower, the U.S. has no choice but to display firmness of purpose and resolve in deterring inhumane breaches of order. Yet, firmness and resolve must be matched by compassionate understanding of the reasons people of the world lash out. We have the world's greatest armed forces. But these forces cannot successfully be deployed to counter international misconduct if we don't also seek to undercut the causes of such conduct.

Reviewing the causes of World War I, historians quickly concluded that there was not enough flexibility in the European alliance system and that this allowed a rather minor event, the assassination of an Austrian archduke, to precipitate a cataclysmic war. With this example in mind, political leaders in the 1930s erred on the side of irresolution, which led them to Munich and the partition of Czechoslovakia. Too much inflexibility caused one war; too little spine a greater one.

The problem today is not whether we should meet problems with firmness or compassion. We need both. The problem is determining when and how to respond with firmness, when and how to express compassion. As in all human conduct, the challenge is wisdom.

(2) We must listen as well as assert. Four decades ago the British author Lawrence Durrell wrote a series of novels called the Alexandria Quartet, in which he describes a set of events in Alexandria, Egypt, preceding World War II. An experiment in the relativity of human perception, each of the four books views the same events through the eyes of a different participant. While the events described are the same in each book, the stories as told by each of the participants are surprisingly different. The reader comes to the realization that a broad understanding about events that transpire can only be developed by synthesizing the singularly different perceptions of various protagonists.

To understand the Middle East today, we need to listen to everyone's story.

(3) To shape or deter an opponents' actions, we need to understand how they think. American policy makers, at their best, reason in a pragmatic, future-oriented manner. In much of the rest of the world, on the other hand, people reason by historical analogy. Events dating centuries back, especially umbrages, dominate thinking about today. People in the Middle East, like the Balkans, are oriented to the past and are driven by ideas of honor of a different shape and emphasis than those we derive from American culture.

(4) No country can go it alone for long and expect to be respected as an international leader. Doctrines of American exceptionalism—the precept that we should not be bound by legal or procedural norms that bind others—which are now fashionable in certain Washington ideological circles have led to intervention in Iraq without full UN sanction. Ironically, prior to 9/11 these same notions led to rejection of a Comprehensive Test Ban Treaty and of upgraded verification provisions for the 1972 Biological Weapons Convention—agreements that would have stood in the way of WMD production in Iraq and provided a legal basis for possible armed intervention if violations occurred. The world is crying out for leadership in restraining weapons development. We are not providing it because Washington policy makers prefer that restraint on others not apply to ourselves.

(5) When Washington policy makers speak on foreign policy they must understand that their audience is more than one party's political base. While Saddam Hussein is widely perceived to be the worst sort of tyrant, many people around the world view us as bullies for attacking a sovereign country without prior armed provocation. That is why it is so critical that a case for intervention should be based on concern for the well-being of others as well as the U.S. national interest.

For foreign policy to be effective, it must be clearly articulated and convincing in those parts of the world most affected by it.

(6) We must rededicate ourselves to building up an intelligence capacity that better understands the Middle East and the Islamic world and is less susceptible to being politicized. Our inability to understand Islamic culture resulted in the greatest intelligence failure of our era. It is, however, not the sole intelligence failure. In one of the greatest judgmental errors of our time we appear to have attempted to combat the ideological posturing of others by slanting our own intelligence. Based on what is known today, policy makers not only erred in assessing Saddam Hussein's WMD capacities, but put too much faith in a narrow cadre of ideologues who suggested the U.S. would be welcomed as a liberating rather than conquering or, worse yet, colonizing force in Iraq. Estimates of the costs of war, of the ramifications of involvement, of the expected reaction of the population and of the likelihood of foreign support were dead wrong.

(7) It is the responsibility of public officials to ensure that no American soldier is deployed as a defenseless magnet for terrorist attack—or in such a way as to incite foreign radicals to commit terrorist acts in America itself.

American soldiers have been trained to withstand the heat of battle in defense of America and American values. For two and a quarter centuries no country has been more effectively or more courageously served by a citizen soldiery than the United States. In Iraq, our armed forces could not have performed more professionally or valiantly than in the initial engagement. But the difference between service in combat and service in occupation of a foreign land, especially an Islamic society, is profound. In Iraq, which is fast becoming for us much like Algeria was for the French in the 1950s, our men and women in uniform are increasingly facing hit-and-run terrorist assaults, which are much more difficult to defend against than traditional military confrontations.

The challenge of policy makers is to recognize that there is a distinction between three endeavors: warfare, reconstruction and occupation. Our armed forces are trained to prevail in the first; they can be helpful in the second; but in the Islamic world no outside power is ever going to be well received as an occupying force. Hence, strategies that emphasize the first two endeavors and don't lead to long-term reliance on the third should be the goal of U.S. policy makers.

(8) Responses to terrorism often lead to escalating action/reaction cycles. When our forces become subject to terrorist assaults and the perpetrators disappear into their neighborhoods, we, like Israel, will inevitably be tempted to retaliate in ways that may intensify rather than restrain future violence.

Calls will be made not only to use air power in urban areas but to double or triple troop deployments, perhaps without adequate assessment of what such troops will be assigned to do. In conventional warfare, the case for overwhelming superiority (sometimes referred to as the Powell Doctrine) is compelling. In a terrorist setting, as in modernist design, less can often be more. There may be cases where deploying a large force to combat terrorism is appropriate. There may also be cases—and I believe Iraq is one—where additional soldiers simply become additional targets, and a different mix of strategies is both preferable and more effective.

(9) To defend against terrorism, especially when it is fueled by an explosive mixture of religious and nationalist sentiments, requires frank acknowledgment of the nature and depth of the problem.

For months, the administration has suggested the problem in Iraq is limited to 5,000 dissidents. This is a 5-digit miscalculation. At least half the Muslim world—over 500,000,000 people—are outraged by the U. S. government's attitudes and action. Long simmering resentment of American policies in Muslim countries like Indonesia has in recent months metastasized into hatred. And in Europe, including what the defense secretary called the ''new Europe,'' as well as in South and East Asia, respect for American policy is in steep decline.

In the Vietnam War we gave a great deal of attention to the notion of ''winning the hearts and minds'' of the people. We didn't succeed in convincing the Vietnamese or world opinion of our good intentions despite the horrendous tactics of the Vietcong and the Communist North. Today, Americans must understand that in the battle for the minds of men, particularly in the Moslem world, we are doing less well than even in the most difficult days of the Vietnam War. In this context, we would be well-advised to remember America's original revolutionary commitment to a decent respect for the opinions of mankind.

(10) While, for the time being, security in Iraq must remain the responsibility of U.S. military commanders in the field, we would be wise to put an international face on civil governance in the country and ask Secretary General Kofi Annan to immediately appoint a top civilian administrator to whom Ambassador Bremer and his staff would report.

Transfer of interim civil authority to the UN would provide greater legitimacy to the formation of a new Iraqi government and encourage other countries to help with economic reconstruction and security requirements. We should also work to transfer, as soon as practicable, responsibility for internal security to troops of other nations or the Iraqis themselves. Transferring the police function to others is a way to build up Iraqi's own postwar internal security infrastructure and make evident that the U.S. does not desire long term control.

(11) We should also move forthwith to transfer more political control to the Iraqi Governing Council and press for immediate elections and constitution writing. Some argue that stability is more likely to be achieved with a long U.S. occupation. I believe the reverse is true. The longer we are in Iraq, the greater the instability there and the greater the likelihood that terrorism will spread to other countries, including the United States.

(12) America cannot cut and run politically, economically or militarily, but we would be wise to announce a timetable for troop withdrawal, by the end of next year at the latest. Some experts in and out of government believe that American troops should stay in and control Iraq at least as long as we did in Japan and Germany after World War II. Such a time table (a minimum of 5 years) is out of sync with the times and the mood in the Islamic world.

The world is more impatient today and Muslims in particular are more history sensitive than ever before. While we assume the Iraqi populace should accept the American presence because of our good will, the Muslim world sees our forces as a compounding of grievances dating back to the crusades and, more recently, to American support of Israel. The imagery AlJazeera projects of Baghdad is that of another West Bank. In this context, American commitments to ''slog on'' interminably play into the hands of extremists. All extremists have to do is continue blowing up a vehicle or two every day, thereby eliciting a military reaction that we might view as reasonable but that the Islamic world is likely to see as heavy-handed, angering the populace and emboldening further dissent.

The longer we stay, the greater the opportunity for al Qaeda and radical Baath party supporters to claim that the war is continuing and that they are prevailing. To prevent this and to keep control of events we would be wise to announce a withdrawal timetable that we, not they, control. Setting such a timetable has the effect of asserting that the war itself is over and we prevailed, and that Iraqis cannot dither in establishing a legitimate, elected government.

A drawn out occupation plays into the hand of radicals. It gives them a rallying cry to keep up resistance in Iraq and expand terrorist assaults around the world. It gives them the chance to suggest that America is bent on continuing the crusades and, when we eventually withdraw, the prospect of claiming that they won the war. On the other hand, if we set a firm schedule for drawing down our troops, we define the war as being over in its 3rd week, not in its 6th year. An announced time table can later be modified to allow, for instance, a small force to remain briefly in northern Iraq to maintain sovereign cohesion. Timetables can also be abbreviated. But the point is that they underscore our reluctance to become an imperial power and, perhaps more importantly, our determination to control our own destiny.

(13) It is critical to the security of our troops, as well as Iraqi security, that we create an Iraqi police force as soon as possible. Responsibility for domestic security is an internal not external matter. We can't be their policemen and if we persist in trying, we will make it harder for stability to be established and maintained.

Students of international politics have for the past generation questioned the capacity and moral authority of any country to be policeman for the world. But little academic attention was devoted to the challenge of being policeman within a country after the conclusion of a conflict. We have little experience with such a responsibility. In Japan, MacArthur relied on indigenous Japanese police; in Germany, we quickly reconstituted a German constabulary at most local levels.

Common sense would indicate that trying to police a country the size of France with soldiers unfamiliar with the language and culture of the society, untrained in the art of policing, and unwelcome and resented in critical cities and towns must be a nearly impossible task. Hence the need to expedite the training of an indigenous Iraqi police force.

(14) We should announce that we have no intention of establishing permanent military bases in Iraq. Some Washington policy makers want such bases but they would be a political burden for any new government in Baghdad and a constant struggle for the U.S. to defend. Defense of American bases in Iraq from terrorism in the 21st century is likely to be far more difficult than the challenge we foresaw of maintaining U.S. sovereignty over the Panama Canal in the 20th century. The reason the Department of Defense concluded in the Carter administration that it was wise to transfer control over the Panama Canal to Panamanians was the estimation that the Canal could be defended against traditional aggression but not sabotage or acts of terrorism. It seemed wiser to respect nationalist sentiment and provide for a gradual transfer of the canal to local control than to insist on quasi-colonial assertions of power.

There are many reasons why Europeans are so smugly opposed to our policy in Iraq. One is historical experience with colonialism. The French were chased out of Algeria, the Russians, and earlier the British, out of Afghanistan. U.S. intervention in Iraq is seen in Europe as not too dissimilar to the British and French effort to re-establish control over the Suez Canal in 1956. It is noteworthy that the Islamic world deeply appreciated President Eisenhower's refusal to back the British and French intervention in Egypt. Europeans now think that the shoe is on the other foot. We appear insensitive to history.

(15) Credit will remain the dominant economic issue until Iraq's foreign debt is reduced or canceled. Neither significant private nor large scale public credit will be made available to Iraqis until the burden of old debt is lifted. Accordingly, we should press vigorously for Saddam-era debt—which went largely to build palaces for Saddam's family and to buy weapons of aggression—to be written off. We should also press to establish community-centered banks and credit unions where micro credit can be offered. Oil wealth has its advantages only if revenues are used for the benefit of society rather than political insiders. Increasing petroleum production is not enough. Oil is not a labor intensive industry. Jobs matter, and Iraq needs bankers and small business entrepreneurs far more than oil barons. We have no choice except to help rebuild Iraq's oil infrastructure, but we must make clear that we have no intention of controlling Iraq's oil reserves. The natural resources of Iraq must be treated as the patrimony of the Iraqi people.

(16) Economic assistance to Iraq should be front-loaded and generous. War has been a constant of history, but the concept of reconstruction is relatively new. The 20th century gave us two vastly different models. At the end of World War 1, the victors imposed retributive terms on Germany, which so angered German society that it turned to fascism. World War II was the result.

The allies took a different approach at the end of World War II. Generosity was the watchword. The Marshall Plan was adopted to rebuild Europe and Gen. MacArthur directed the reform and modernization of Japan. Model democracies emerged. The world was made more secure. The economic plan for Iraq should be two-pronged: debt forgiveness coupled with institution building. A better world is more likely to emerge if the American agenda places its emphasis on construction rather than destruction.

Here a note about the other reconstruction model in American history is relevant. With his call for malice toward none, Lincoln's second inaugural address set the most conciliatory tone in the history of war. His successor once removed, U.S. Grant, proved to be a more proficient soldier than President and countenanced carpet bagging conflicts of interest. Our government today would be well advised to recognize that neither history nor the American public approves of war or post-war profiteering. Great care has to be taken to ensure transparency and integrity in government contracts and common sense would indicate that the more Iraqis are involved in rebuilding their own society, the more lasting such efforts are likely to be.

(17) Terrorism affects world economics as well as politics. Markets depend on confidence and nothing undercuts confidence more than anarchist acts. Policies designed to deter terrorism can be counter-productive. International disapproval of our actions may jeopardize our economy and diminish the credibility of our political leadership in the world. Increased terrorism could well have the dual effect of precipitating new U.S. military engagements and, ironically, strengthening isolationist sentiment—which, in turn could degenerate into a disastrous spiral of protectionism.

(18) The measure of success in reconstruction is not the sum of accomplishments. In the Vietnam War the Pentagon gave progress reports that came to be symbolized by its body counts. One of the most liberal critics of that war, I.F. Stone, once commented that he accepted the validity of the body counts but thought that they did not reveal the big picture. It would be as if, Stone suggested, he were to be walking down the street and bump into a man running out of a bank waving a gun and carrying a satchel full of money, and were to ask the man, ''What are you doing?'' If the man responded, ''I'm waiting for a car,'' the man would be telling the truth but not revealing the big picture.

Good things are being accomplished in Iraq, particularly in the North where an American general has won a measure of popularity through progressive stabilization initiatives. Yet terrorism cannot credibly be contained in the arms-infested Iraqi environment. American civilians as well as armed services personnel who have been posted to Iraq deserve to be commended for their commitment and sacrifices, but prudence suggests that brevity of service is preferable to a long standing presence. Otherwise, in a world where terrorism is a growth industry even extraordinary sacrifice and significant accomplishments could be for naught.

(19) We must respect Iraqi culture and work to ensure that the art and artifacts of this cradle of civilization are preserved for the Iraqi people. There are few umbrages more long lasting than cultural theft. Cultural looting must be stopped and the market for stolen antiquities squelched. For our part we should ensure that Iraqi cultural sites are protected and that our laws are upgraded. Any stolen antiquities brought to America must be returned.

(20) The war in Iraq should not cause us to forget Afghanistan. While the center of our military attention may at the moment be Baghdad, we must remember that no Iraqi was involved in hijacking the planes that struck the World Trade Center and Pentagon on 9/11. Few countries are more distant physically or culturally from the United States than Afghanistan, yet it is there where the plotting for that terrorist act began. The Taliban have been removed and a new, more tolerant government has been established, but the world community has not fulfilled its commitments to raise that country out of poverty and warlordism. The U.S. cannot continue to be complacent about economic and social development in that country, where foreigners have never been welcome. Failure of the Karzai government and a return of the Taliban would be a major setback in the battle with terrorism.

(21) Lastly, and most importantly, U.S. policy makers should never lose sight of the fact that events in Israel and Iraq are intertwined and that no challenge is more important for regional and global security than resolution of the Israeli-Palestinian dilemma.

Extraordinarily, administration after administration in Washington seems to pay only intermittent attention to this issue. There should be no higher priority in our foreign policy than a resolution of the Arab-Israeli conflict. Attention in Washington should be riveted at all times on this singular issue. The current status quo is good neither for Israel nor for the Palestinians. Now, for the first time lack of progress in establishing a mutually acceptable modus vivendi between the parties may be even more damaging to countries not directly involved in the conflict. The need for U.S. leadership in pressing for peace has never been more urgent. It would be a tragedy if, focussed on making war in one part of the Middle East, we neglected to promote peace in another.

In conclusion, the world is noting what we are saying and what we are doing. Many are not convinced by our words; many are appalled by our actions. Yet nothing would be worse for the world than for us to fail. We must not. The key at this point is to recognize the limits as well as magnitude of our power and emphasize the most uplifting aspects of our heritage: democracy, opportunity, freedom of thought and worship. Differences we must respect; intolerance we must reject. But America does better as a mediator and multi-party peace maker than as a unilateral interventionist. This is the great lesson of the past year.